

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 11-59

Introduced by Council President Boniface and at the request of the County Executive

Legislative Day No. 11-27 Date December 6, 2011

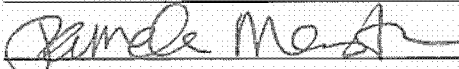
AN EMERGENCY ACT to repeal and reenact, with amendments, Section 256-44, Connection charges; to repeal and reenact, with amendments, Section 256-45.1, Surcharge for water and sewers; to repeal and reenact, with amendments, Section 256-45.2, User benefit assessment; to repeal and reenact, with amendments, Section 256-45.3, Surcharge for Sewer Capital Project 6400; and to repeal and reenact, with amendments, Section 256-45.4, System development fee for water and sewer, all of Article V, Capital Charges, of Chapter 256, Water and Sewers, of the Harford County Code, as amended; to provide definitions for the terms "Equivalent Dwelling Unit" and "Individual Residential Customer" for the purpose of calculating, based upon the size of its water meter, the number of sets of capital connection charges to be paid by a single-family detached, semi-detached or townhouse dwelling; to provide a refund of excess charges to property owners who connected between March 1, 2011 and the effective date of this Act; and generally relating to water and sewer rates.

By the Council, December 6, 2011

Introduced, read first time, ordered posted and public hearing scheduled

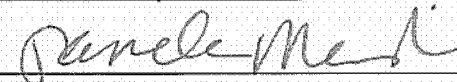
on: January 3, 2012

at: 6:30 PM

By Order: , Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on January 3, 2012, and concluded on January 3, 2012.

, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

Section 1. Be It Enacted By The County Council of Harford County, Maryland that Section 256-44, Connection charges, be, and it is hereby, repealed and reenacted, with amendments; that Section 256-45.1, Surcharge for water and sewers, be, and it is hereby, repealed and reenacted, with amendments; that Section 256-45.2, User benefit assessment, be, and it is hereby, repealed and reenacted, with amendments; that Section 256-45.3, Surcharge for Sewer Capital Project 6400, be, and it is hereby, repealed and reenacted, with amendments; and that Section 256-45.4, System development fee for water and sewer, be, and it is hereby, repealed and reenacted, with amendments, all of Article V, Capital Charges, of Chapter 256, Water and Sewers, of the Harford County Code, as amended, and all to read as follows:

Chapter 256. Water and Sewers

Article V. Capital Charges

§ 256-44. Connection charges.

A. FOR THE PURPOSES OF THIS SECTION THE FOLLOWING DEFINITIONS SHALL APPLY:

EQUIVALENT DWELLING UNIT (EDU) – IS A UNIT OF MEASURE FOR THE PURPOSE OF CALCULATING CHARGES EQUIVALENT TO A MAXIMUM OF 20 GPM OR 30 FIXTURE UNITS.

INDIVIDUAL RESIDENTIAL CUSTOMER (IRC) – A SINGLE-FAMILY DETACHED, SEMI-DETACHED OR TOWNHOUSE DWELLING.

[A.]B. Within the Harford County Sanitary District, with the exception of the subdistricts and municipalities therein, there is hereby established a connection charge that shall be paid by all persons, firms and/or corporations who are required to pay a charge in accordance with the provisions established by law. The charge shall be graduated at a scale of \$450 PER EDU for sewerage connections and \$650 PER EDU for water connections. FOR

PURPOSES OF CALCULATING CONNECTION CHARGES, EACH INDIVIDUAL RESIDENTIAL CUSTOMER UTILIZING A 5/8" OR 3/4" METER SHALL BE CONSIDERED 1 EDU AND EACH INDIVIDUAL RESIDENTIAL CUSTOMER UTILIZING A 1" METER SHALL BE CONSIDERED 2 EDU'S. CONNECTION CHARGES FOR ALL OTHER CUSTOMERS SHALL BE CALCULATED based upon peak demands of gallons per minute, number of fixture units served at peak demands, the ratio of peak demand to 30 fixture units (as base figure) and the size of the meter AS FOLLOWS:

- (1) Meter sizes shall be based upon the American Waterworks Association maximum safe operating capacities with a normal pressure entering the meter.
- (2) Peak instantaneous demand shall be based upon diversity curves for gallons per minute versus fixture units established by American Standards, National Plumbing Code, American Society of Mechanical Engineers (1955 Edition). Values beyond 500 gallons per minute shall be obtained by geometric extension.
- (3) Utilization of schedule. A specific connection rate shall be determined for a customer by establishing the customer's peak demand in terms of gallons per minute or the fixture unit count served at peak demand, by taking that information and locating the appropriate corresponding numbers on the schedule (the next higher number shall be used if the customer's number is not listed) and following the schedule line for the listed area connection rate.

C. EXCEPT AS PROVIDED HEREIN, FOR ANY RESIDENTIAL PROPERTY FOR WHICH 2 OR MORE WATER CONNECTION CHARGES FOR CONSTRUCTION OF A SINGLE-FAMILY DETACHED RESIDENCE WERE PAID BETWEEN MARCH 1, 2011 AND THE EFFECTIVE DATE OF THIS ACT, 1 WATER CONNECTION CHARGE

SHALL BE REFUNDED TO THE CURRENT PROPERTY OWNER UPON RECEIPT BY THE COUNTY OF A WRITTEN REQUEST FOR REFUND SUBMITTED BY JUNE 30, 2012. WHERE THE CURRENT OWNER RECEIVED THE PROPERTY FROM A NON-PROFIT CHARITABLE ORGANIZATION, ANY REFUND PROVIDED PURSUANT TO THIS SECTION SHALL BE PAID TO THE ENTITY WHICH PAID THE WATER CONNECTION CHARGE.

[B.]D. A charge shall be included in the gross total of each billing for water and sewer service that shall be a charge for depreciation of capital facilities. The depreciation allowance shall be [one hundred percent (100%)] 100% of the total actual depreciation expense as determined for the preceding fiscal year.

[C.]E. The County Executive shall ensure that appropriate tables/schedules are formulated, as have previously been established by law, reflecting the charges established in this Article to ensure that the tables/schedules shall be effective on the effective date of this law.

[D.]F. Fixtures. Fixtures are outlets for water in the customer's structure.

[E.]G. If for any reason the charges that are established by this section are declared to be unconstitutional or unenforceable, then, until new constitutional or enforceable charges are established by law, connections to the system shall be permitted only if the person requesting the connection agrees that the connections will be charged at the new rate when it is effective.

§ 256-45.1. Surcharge for water and sewers.

A. A surcharge is hereby established on every water and sewer connection as follows:

- (1) [Four hundred fifty dollars (\$450.) per five-eighths-inch equivalent area connection charge] \$450 PER EDU for water.

(2) [One hundred dollars (\$100.) per five-eighths-inch equivalent area connection charge] \$100 PER EDU for sewer.

B. The surcharge shall be paid prior to issuance of the plumbing permit and may be financed in accordance with § 256-12 of this chapter.

C. The surcharge shall be paid for all connections, notwithstanding the fact that there may have been an area charge credit.

D. THE SURCHARGE SHALL BE IN ADDITION TO ANY OTHER CHARGES AND FEES AS PROVIDED FOR IN THIS CHAPTER, AND SHALL BE CALCULATED IN A MANNER CONSISTENT WITH SECTION 256-44 OF THIS CHAPTER.

E. EXCEPT AS PROVIDED HEREIN, FOR ANY RESIDENTIAL PROPERTY FOR WHICH 2 OR MORE WATER SURCHARGES FOR CONSTRUCTION OF A SINGLE-FAMILY DETACHED RESIDENCE WERE PAID BETWEEN MARCH 1, 2011 AND THE EFFECTIVE DATE OF THIS ACT, 1 WATER SURCHARGE SHALL BE REFUNDED TO THE CURRENT PROPERTY OWNER UPON RECEIPT BY THE COUNTY OF A WRITTEN REQUEST FOR REFUND SUBMITTED BY JUNE 30, 2012. WHERE THE CURRENT OWNER RECEIVED THE PROPERTY FROM A NON-PROFIT CHARITABLE ORGANIZATION, ANY REFUND PROVIDED PURSUANT TO THIS SECTION SHALL BE PAID TO THE ENTITY WHICH PAID THE WATER SURCHARGE.

§ 256-45.2. User benefit assessment.

A. For the purpose of creating a fund to pay for the expansion, extension or reconstruction of the water and/or sewer system and to pay the amortization of any indebtedness incurred or nondebt bonds issued for the expansion, extension or reconstruction of said system there is

hereby assessed and levied on and against all properties benefitted by connection made to county public facilities. The assessments shall be:

(1) For properties connected to the water and/or sewer system between August 17, 1987 and December 31, 1991:

(a) Water: [thirty-five dollars (\$35.) per five-eighths-inch equivalent area connection charge,] \$35 PER EDU annually;

(b) Sewer: [thirty five dollars (\$35.) per five-eighths-inch equivalent area connection charge,] \$35 PER EDU annually.

(2) For properties connected to the water and/or sewer system after December 31, 1991:

(a) Water [- seventy dollars (\$70.) per five-eighths-inch equivalent area connection charge,] : \$70 PER EDU annually.

(b) Sewer [- seventy dollars (\$70.) per five-eighths-inch equivalent area connection charge,] : \$70 PER EDU annually.

B. The annual user benefit assessments commence on the effective date of this section and shall apply to all hookups made in the ensuing [twenty-five (25)] 25 years. Payments hereunder shall be made for a period of [twenty-five (25)] 25 years from the date of connection.

C. The assessment shall be imposed irrespective of whether the property served is within or without the county limits or is partially within or partially without the county limits.

D. The assessment shall be imposed against all properties benefitted by the connections unless such assessments are precluded by contract or agreement with an authority, municipality or town within Harford County or private owner or unless otherwise provided by law.

E. The moneys collected hereunder shall be placed in the Water and Sewer Debt Service Fund and shall be used solely for the purpose of payment of the cost of expansion, extension or reconstruction of the water or sewer system and the payment of principal and interest on

bonds or other amortization of indebtedness incurred for the purpose of such expansion, extension or reconstruction of the system. The assessment shall be a charge or a lien against the property served by said connection(s) and any default in the payment thereof shall be considered a lien upon the property so served and subject to foreclosure in a same manner as county real property taxes.

F. THE ASSESSMENT SHALL BE IN ADDITION TO ANY OTHER CHARGES AND FEES AS PROVIDED FOR IN THIS CHAPTER, AND SHALL BE CALCULATED IN A MANNER CONSISTENT WITH SECTION 256-44 OF THIS CHAPTER.

G. FOR ANY RESIDENTIAL PROPERTY FOR WHICH 2 OR MORE WATER USER BENEFIT ASSESSMENTS FOR A SINGLE-FAMILY DETACHED RESIDENCE WERE PAID BETWEEN JULY 1, 2011 AND THE EFFECTIVE DATE OF THIS ACT, 1 WATER USER BENEFIT ASSESSMENT SHALL BE REFUNDED TO THE CURRENT PROPERTY OWNER UPON RECEIPT BY THE COUNTY OF A WRITTEN REQUEST FOR REFUND SUBMITTED BY JUNE 30, 2012.

§ 256-45.3. Surcharge for Sewer Capital Project 6400.

A. A surcharge is hereby established within the Harford County Sanitary District on every sewer connection which utilizes facilities constructed by Sewer Capital Project 6400 as follows:

(1) [Three thousand three hundred twenty-five dollars (\$3,325.)] \$3,325 per residential unit.

(2) [Six thousand dollars (\$6,000.) per five-eighths-inch equivalent area connection charge] \$6,000 PER EDU for commercial, business or industrial connections.

B. The surcharge shall be paid as follows:

(1) Residential units. The owner of each residential unit shall have the option of paying the Route 40 Joppa Sewer surcharge on an annual basis of \$233.00 per year for a

term of [twenty] 20 years as an alternative to the lump sum payment. The option to pay the charge for [twenty] 20 years must be exercised:

- (a) By connecting to the system within 3 years of the effective date of County Council Bill No. 93-81; or
- (b) For those properties with existing private sewer facilities as of the effective date of County Council Bill No. 93-81 and with no available access to the public sewer system as of that date, by connecting to the system within 3 years after connection to the system is available for the property; or
- (c) For those properties which did not have existing private sewer facilities as of the effective date of County Council Bill No. 93-81, and which have access to sewer utility service lines made operational on or before March 7, 1997, and which paid all applicable water and sewer charges and fees on or before March 7, 1997 at the rates in effect at the time of payment, by connecting to the system prior to September 8, 1998. Applicable water and sewer charges and fees include area connection charges, connection charges, surcharges and all other fees required at or prior to the time of connection for water and sewer service in accordance with the Harford County Code, as amended, and any rules and regulations adopted thereto.

- (2) Commercial, business or industrial units. The owner of each commercial, business or industrial unit shall have the option of paying the Route 40 Joppa Sewer surcharge on an annual basis of \$420.00 per year for a term of [twenty] 20 years as an alternative to the lump sum payment. The option to pay the charge for [twenty] 20 years must be exercised:

- 1 (a) By connecting to the system within 3 years of the effective date of County
2 Council Bill No. 93-81; or
- 3 (b) For those properties with existing private sewer facilities as of the effective
4 date of County Council Bill 93-81 and with no available access to the public
5 sewer system as of that date, by connecting to the system within 3 years after
6 connection to the system is available for the property.
- 7 (3) In order to exercise the option of paying the surcharge on an annual basis for a term
8 of [twenty] 20 years, the owner of a residential or commercial business or industrial
9 unit shall connect to the public sewer facilities or the owner of a residential unit shall
10 pay all applicable fees within the 3-year period required by this subsection and shall
11 begin annual payments on July 1st following the date of connection. The option of
12 paying the surcharge on an annual basis for a term of [twenty] 20 years may be
13 exercised only at the time of connection or payment of fees.
- 14 (4) If the option to pay the surcharge on an annual basis is not exercised within the time
15 required by this subsection, the lump sum payment specified in Subsection A of this
16 section shall be paid at the time of payment of the area connection charge.
- 17 (5) Changes in use. The option to pay the Route 40 Joppa Sewer surcharge on an annual
18 basis or in one lump sum payment does not preclude additional Route 40 Joppa
19 Sewer surcharge fees or other fees as adopted based on fixture count should a
20 property's use change to increase the equivalent connected units.
- 21 C. The surcharge shall be in addition to any other charges and fees as provided for in this
22 chapter, and shall be determined in a manner consistent with Section 256-44 of this chapter.
- 23 D. For the purposes of this section, "residential" shall include but not be limited to each single-
24 family detached, semi-detached, townhome, condominium and apartment dwelling.

§ 256-45.4. System development fee for water and sewer.

A. A system development fee is hereby established as an additional fee on every water and/or sewer connection as follows:

(1) The water system development fee per EDU [5/8" equivalent area connection charge is \$821.00,] IS \$2,633.00, which shall be increased annually each July 1 by [six percent (6%)] 6%.

(2) The sewer system development fee PER EDU [for 5/8" equivalent area connection charge is \$1,696.00,] IS \$5,438.00, which shall be increased annually each July 1 by [six percent (6%)] 6%.

B. Except as provided in Subsections E, F, and G of this section, the water and/or sewer system development fees shall be paid prior to the issuance of the sewer and/or water plumbing permit for connection. The water and/or sewer mains shall be approved and executed as operational by the Department of Public Works prior to the issuance of the sewer and/or water plumbing permit for connection.

C. The water and/or sewer system development fees shall be paid for all connections, notwithstanding the fact that there may have been an area charge credit.

D. The water and/or sewer system development fees may be financed in accordance with Section 256-12A of this chapter.

E. For those properties which are part of a legislatively approved water and/or sewer petition and are improved by an existing residential or commercial structure, the water system development fee and/or the sewer system development fee is not applicable, so long as connection is made within [three (3)] 3 years after the system has been approved as operational and available for property connection. This exemption applies only to those properties which, as of May 1, 1991 have requested a water and/or sewer petition through the

1 Department of Public Works, which has resulted in a legislatively approved petition as of
2 March 31, 1992. Reconstruction, new construction, or a change in use that results in an
3 increase in fixture count shall be subject to connection charges, surcharges, the water system
4 development fee, the sewer system development fee and other fees and charges in effect at
5 the time of the issuance of the plumbing permit for connection.

6 F. The water system development fee and/or the sewer system development fee shall not apply
7 to a building or structure for which

8 (1) A county building permit application has been accepted on or before September 30,
9 1991;

10 (2) A county plumbing permit has been issued on or before December 31, 1991; and

11 (3) A plumbing roughing-in inspection has been conducted and approved by the
12 Department of Inspections, Licenses and Permits on or before February 28, 1992.

13 G. If for any reason the water and sewer development fees required by this section for a building
14 or structure have not been paid before a certificate of use and occupancy has been issued for
15 the building or structure and the building or structure does not qualify for an exemption
16 under Subsections E or F of this section, the development fees shall be paid before the
17 certificate of use and occupancy is issued.

18 H. This section of the Code applies to the Harford County Sanitary District and all sanitary
19 subdistricts other than the Swan Creek Sewer Sanitary Subdistrict established by the Harford
20 County Law.


21 I. THE WATER SYSTEM DEVELOPMENT FEE AND/OR SEWER SYSTEM
22 DEVELOPMENT FEE SHALL BE IN ADDITION TO ANY OTHER CHARGES AND
23 FEES AS PROVIDED FOR IN THIS CHAPTER, AND SHALL BE DETERMINED IN A
24 MANNER CONSISTENT WITH SECTION 256-44 OF THIS CHAPTER.

J. EXCEPT AS PROVIDED HEREIN, FOR ANY RESIDENTIAL PROPERTY FOR WHICH
2 OR MORE WATER SYSTEM DEVELOPMENT FEES FOR CONSTRUCTION OF A
SINGLE-FAMILY DETACHED RESIDENCE WERE PAID BETWEEN MARCH 1, 2011
AND THE EFFECTIVE DATE OF THIS ACT, 1 WATER SYSTEM DEVELOPMENT
FEE SHALL BE REFUNDED TO THE CURRENT PROPERTY OWNER UPON
RECEIPT BY THE COUNTY OF A WRITTEN REQUEST FOR REFUND SUBMITTED
BY JUNE 30, 2012. WHERE THE CURRENT OWNER RECEIVED THE PROPERTY
FROM A NON-PROFIT CHARITABLE ORGANIZATION, ANY REFUND PROVIDED
PURSUANT TO THIS SECTION SHALL BE PAID TO THE ENTITY WHICH PAID THE
WATER SYSTEM DEVELOPMENT FEE.

Section 2. And Be It Further Enacted that this Act is hereby declared to be an emergency act to
modify water and sewer connection charges, eliminate an additional connection charge that had been
inadvertently charged and refund those charges as quickly as possible and that this Act shall take effect
on the date it becomes law.

EFFECTIVE: January 9, 2012

*The Council Administrator does hereby certify that
fifteen (15) copies of this Bill are immediately available for
distribution to the public and the press.*


Council Administrator

HARFORD COUNTY BILL NO. 11-59

Brief Title Water & Sewer Code Changes - Connection Charges

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Pamela Meister
Council Administrator

Date January 3, 2012

ENROLLED

Bill D. Bonifant
Council President

Date January 3, 2012

BY THE COUNCIL

Read the third time.

Passed: LSD 12-1

Failed of Passage: _____

By Order

Pamela Meister
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 4th day of January, 2012 at 3:00 p.m.



Pamela Meister
Council Administrator

BY THE EXECUTIVE

David L. Craig
COUNTY EXECUTIVE

APPROVED: Date January 9, 2012

BY THE COUNCIL

This Bill No. 11-59 having been approved by the Executive and returned to the Council, becomes law on January 9, 2012.

EFFECTIVE DATE: January 9, 2012

Pamela Meister
Pamela Meister
Council Administrator